

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAMEERA AHMAD,

Plaintiff,

v.

ORDER
06-CV-339

KHALID S. MAHRAN, and
KIDNEY CARE, P.C.,

Defendants.

This case was referred to Magistrate Judge Jeremiah J. McCarthy pursuant to 28 U.S.C. § 636(b)(1), on March 9, 2009. On December 21, 2007, defendants filed a motion for summary judgment and plaintiff filed a motion for partial summary judgment that same date. On January 5, 2009, Magistrate Judge McCarthy filed a Report and Recommendation, recommending that defendants' motion be granted to the extent of dismissing plaintiff's second cause of action, but otherwise be denied and that plaintiff's motion be granted to the extent of (1) declaring that the date for commencement of employment under the contract was no later than November 14, 2005, and (2) dismissing defendants' first and third counterclaims, but otherwise be denied.

Defendants filed objections to the Report and Recommendation on March 9, 2009, and plaintiff filed a response on March 23, 2009.¹ Oral argument on the objections was held on February 23, 2009.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge McCarthy's Report and Recommendation, defendants' motion is granted to the extent of dismissing plaintiff's second cause of action, but otherwise is denied. Plaintiff's motion is granted to the extent of (1) declaring that the date for commencement of employment under the contract was no later than November 14, 2005, and (2) dismissing defendants' first and third counterclaims, but otherwise is denied.

The case is referred back to Magistrate Judge McCarthy for further proceedings.

¹ Objection and response papers were filed initially in January 2009. The Court gave the parties an opportunity to resubmit their papers, out of concern that certain exhibits may not have been made available to defendants' new counsel.

SO ORDERED.

s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA

CHIEF JUDGE

UNITED STATES DISTRICT COURT

DATED: March 31 , 2009